IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B.CRIMINAL MISC. PETITION NO.2440/2006.

Javed Qureshi & Anr. **VERSUS** State of Rajasthan & Anr.

04.01.2007.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.Neeraj Sharma, for the petitioners.
Mr.B.N.Sandhu, Public Prosecutor.
Mr.Neeraj Joshi, for the respondent No.2.

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This petition under Section 482 Cr.P.C. has been filed for quashing the proceedings in the Criminal Case No.264/2006 pending before the Additional Civil Judge (Jr.Div.) No.11, Jaipur City, Jaipur arising out of the F.I.R.No.86/2006 registered at Police Station Vaishali Nagar, Jaipur for the offence under Section 380 I.P.C.

Today, before this court, a compromise has been filed between the accused persons and the complainant-respondent No.2 Banna Lal who was the aggrieved person and the said compromise has been signed by both the accused persons as well as the complainant Banna Lal.

The parties are present before the court and identified by their respective counsel. The parties in the presence of the Deputy Registrar (Juld.) have verified and accepted the terms of the compromise according to which the complainant Banna Lal has agreed not to prosecute the accused persons for the offence under Section 380 I.P.C. and does not want to press the charges. The accused persons have settled the matter with the complainant Banna Lal and have compensated him for his loss.

It has been stated in the compromise that the accused persons are students and they unwillingly committed the aforesaid offence and since they have admitted to the aforesaid act and repent for the same and further have compensated the aggrieved person Banna Lal, Banna Lal does not wish to press the charges against the accused persons the case against the accused persons may be dropped and allowed to be compromised.

Having heard learned counsel for the parties and having gone through the terms of the compromise which has been attested by the Deputy Registrar (Judl.) today, in the facts and circumstances of the present case which have been mentioned above and the fact also that the learned Public Prosecutor too has no objection to the compromise and and following the earlier precedent of this court in the case of Ram Dhan Vs. State of Rajasthan & Another [S.B.Criminal Misc. Petition No.561/2006] decided on 11.10.2006 in the light of the judgment of the Hon'ble Apex Court in the case of B.S.Joshi V.s State of Rajasthan reported in 2003 RCC (SC) 400, I am inclined to exercise the powers under Section 482 Cr.P.C. with a view to secure the ends of justice and allow the parties to compromise the matter and in accordance therewith the Criminal Case No.264/2006 pending before the Additional Civil Judge (Jr.Div.) No.11, Jaipur City, Jaipur against the accused petitioner shall be consigned to record and the proceedings quashed.

Consequently, this misc. petition stands disposed of in terms of compromise.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.